

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARCELL WILLIAMS

Plaintiff,

vs.

COLLINS, *et al.*,

Defendants.

3:13-cv-00589-RCJ-VPC

ORDER

This *pro se* civil rights suit by an alleged pretrial detainee comes before the Court for initial review of the amended complaint (#7).

The screening standard and the Court's application thereof to the allegations of the original complaint are set forth in the prior screening order (#5). The amended complaint states a claim for relief: (a) in Count I under the Fourteenth (rather than the Eighth) Amendment against the named deputies in their individual capacities for alleged excessive force; and (b) in Count II for an alleged procedural due process violation in connection with plaintiff's placement in segregation confinement by the defendant named therein in his individual capacity. The amended complaint otherwise does not state a claim for relief against any defendant in their official capacity or based upon alleged verbal assault. The Court finds that further opportunity for amendment would be futile given that the deficiencies in the official capacity and verbal assault claims were identified in the prior screening order. The Court will dismiss the deficient claims and will direct service on the remaining claims against the defendants in their individual capacities.

1 IT THEREFORE IS ORDERED that the following claims, only, are DISMISSED without
2 prejudice: (a) all claims against the defendants in their official capacity; and (b) all claims
3 based upon alleged verbal assault. The claims against the defendants in their individual
4 capacity in Count I for excessive force and in Count II for a deprivation of procedural due
5 process remain before the Court.

6 IT FURTHER IS ORDERED that the Clerk shall issue summons to the named
7 defendants herein and deliver same, along with sufficient copies of the amended complaint,
8 to the Marshal for service. The Clerk further shall send plaintiff a sufficient number of USM-
9 285 forms along with one copy of the papers submitted in this action. Plaintiff shall have
10 twenty (20) days in which to furnish to the Marshal the required USM-285 forms. Within
11 twenty (20) days after receiving from the Marshal a copy of the USM-285 form showing
12 whether service has been accomplished, plaintiff must file a notice with the Court identifying
13 which defendants were served and which were not served, if any. If plaintiff wishes to have
14 service again attempted on an unserved defendant(s), then a motion must be filed with the
15 Court identifying the unserved defendant(s) and specifying a more detailed name and/or
16 address for said defendant(s), or whether some other manner of service should be attempted.
17 Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, plaintiff must complete service
18 within 120 days from entry of this order.

19 IT FURTHER IS ORDERED that henceforth, plaintiff shall serve upon defendants or,
20 if an appearance has been entered by counsel, upon their counsel, a copy of every pleading,
21 motion or other paper submitted for consideration by the Court and shall include a certificate
22 of such service with each paper submitted to the Court. Moreover, all requests for relief
23 herein must be made by motion rather than letter.

24 DATED: July 8, 2014

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28 ROBERT C. JONES
United States District Judge